

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SOLAS OLED LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES INC.,

Defendant.

Case No. 6:20-cv-841

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT AGAINST
DELL TECHNOLOGIES INC.**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. §1 *et seq.*, in which Plaintiff Solas OLED Ltd. (“Plaintiff” or “Solas”) makes the following allegations against Defendant Dell Technologies Inc. (“Dell” or “Defendant”):

INTRODUCTION

1. This complaint arises from Dell’s unlawful infringement of the following United States patents owned by Solas, each of which generally relate to touchscreen technology: United States Patent Nos. 7,573,068 (“’068 Patent”) and 7,868,880 (“’880 Patent”) (collectively, the “Asserted Patents”).

2. OLED displays are revolutionizing electronic devices today. Devices using OLED displays enhance a user’s viewing experience by allowing for the visual depiction of perfect blacks as well as colors with high contrast—without distortion. OLED displays naturally emit light and have the ability to turn off completely. Due to OLED display’s inherent design, devices are thinner,

lighter, and more flexible than ever before. This is because OLED displays use fewer components. OLED displays are the trendiest and best displays available on the market today.

3. But just a few decades ago, OLED display technology was in its infancy. OLED displays have since undergone significant improvements to enhance the user experience for consumers throughout the world.

4. Due to the vision of the companies who developed and those who improved on OLED display technology, this technology has enjoyed rapid developments and improvements. Research and development engineers have logged hours and hours of work to push this technology to the forefront of the display market today. Improvements to this technology can be highly technical, for example, they can relate to improved designs to the operation of drive control to improved designs of transistor array substrates. These advancements to the various aspects of the technology—each building a little on a related advancement before it—get us to the highly advanced state we enjoy today.

5. These achievements range from designing the fundamental building blocks, which enable the operation of OLED display technology, to designing critical enhancements, which improves important aspects of the user experience and functionality of the OLED display. This infringement action is about the latter: patented improvements—which took years of research and millions of dollars in investments to develop, and which are infringed by Dell’s Accused Products here.

PARTIES

6. Plaintiff Solas Ltd. is an Irish company, having its principal place of business at Suite 23, The Hyde Building, Carrickmines, Dublin 18, Ireland. Solas is the sole owner by assignment of all right, title, and interest in each Asserted Patent.

7. On information and belief, Defendant Dell Technologies, Inc. is a corporation organized under the laws of the State of Delaware, with its principal place of business at One Dell Way, Round Rock, Texas 78682.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Dell in this action because Dell has committed acts within this District giving rise to this action, and has established minimum contacts with this forum such that the exercise of jurisdiction over Dell would not offend traditional notions of fair play and substantial justice. Dell, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products that infringe the asserted patents.

10. Venue is proper in this District under 28 U.S.C. § 1400(b). Defendant is registered to do business in Texas, and upon information and belief, Defendant has transacted business in this District and has committed acts of direct and indirect infringement in this District by, among other things, making, using, offering to sell, selling, and importing products that infringe the Asserted Patents. Defendant has a regular and established place of business in the District, including its headquarters at One Dell Way, Round Rock, Texas 78682.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,573,068

11. Solas realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

12. Solas owns by assignment all rights, title, and interest in U.S. Patent No. 7,573,068 (the “’068 Patent”), entitled “Transistor Array Substrate and Display Panel.” The ’068 Patent was duly and legally issued by the United States Patent and Trademark Office on August 11, 2009. A true and correct copy of the ’068 Patent is attached as Exhibit 1.

13. On information and belief, Dell makes, uses, offers for sale, sells, and/or imports certain products (“Accused Products”), including Dell XPS 15 7590 Laptop 15.6 inch, 4K UHD OLED Infinity Edge, Alienware M15 R1, Alienware M15 R2, Alienware M15 R3, G7 15 Gaming Laptop, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 13-17 of the ’068 Patent.

14. Dell also knowingly and intentionally induces infringement of at least claims 13-17 of the ’068 Patent in violation of 35 U.S.C. §271(b). Through the filing and service of this Complaint, Dell has had knowledge of the ’068 Patent and the infringing nature of the Accused Products. Despite this knowledge of the ’068 Patent, Dell continues to actively encourage and instruct its customers and end users (for example, through user manuals and online instruction materials on its website) to use the Accused Products in ways that directly infringe the ’068 Patent. Dell does so knowing and intending that its customers and end users will commit these infringing acts. Dell also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the ’068 Patent, thereby specifically intending for and inducing its customers to infringe the ’068 Patent through the customers’ normal and customary use of the Accused Products.

15. The Accused Products satisfy all claim limitations of at least claims 13-17 of the ’068 Patent. A claim chart comparing independent claim 13 of the ’068 Patent to a representative Accused Product, Dell XPS 15, is attached as Exhibit 2.

16. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, Dell has injured Solas and is liable for infringement of the '068 Patent pursuant to 35 U.S.C. §271.

17. As a result of Dell's infringement of the '068 Patent, Solas is entitled to monetary damages in an amount adequate to compensate for Dell's infringement, but in no event less than a reasonable royalty for the use made of the invention by Dell, together with interest and costs as fixed by the Court.

18. Dell's infringing activities have injured and will continue to injure Solas, unless and until this Court enters an injunction prohibiting further infringement of the '068 Patent, and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that come within the scope of the patent claims.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,868,880

19. Solas realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

20. Solas owns by assignment all rights, title, and interest in U.S. Patent No. 7,868,880 (the "'880 Patent"), entitled "Display Apparatus and Drive Control Method Thereof." The '880 Patent was duly and legally issued by the United States Patent and Trademark Office on January 11, 2011. A true and correct copy of the '880 Patent is attached as Exhibit 3.

21. On information and belief, Dell makes, uses, offers for sale, sells, and/or imports certain products ("Accused Products"), including Dell XPS 15 7590 Laptop 15.6 inch, 4K UHD OLED Infinity Edge, Alienware M15 R1, Alienware M15 R2, Alienware M15 R3, G7 15 Gaming Laptop, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 2-

40 of the '880 Patent.

22. Dell also knowingly and intentionally induces infringement of at least claims 2-40 of the '880 Patent in violation of 35 U.S.C. §271(b). Through the filing and service of this Complaint, Dell has had knowledge of the '880 Patent and the infringing nature of the Accused Products. Despite this knowledge of the '880 Patent, Dell continues to actively encourage and instruct its customers and end users (for example, through user manuals and online instruction materials on its website) to use the Accused Products in ways that directly infringe the '880 Patent. Dell does so knowing and intending that its customers and end users will commit these infringing acts. Dell also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the '880 Patent, thereby specifically intending for and inducing its customers to infringe the '880 Patent through the customers' normal and customary use of the Accused Products.

23. The Accused Products satisfy all claim limitations of at least claims 2-40 of the '880 Patent. A claim chart comparing independent claims 2, 3, and 25 of the '880 Patent to a representative Accused Product, the Dell XPS 15, is attached as Exhibit 4.

24. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, Dell has injured Solas and is liable for infringement of the '880 Patent pursuant to 35 U.S.C. §271.

25. As a result of Dell's infringement of the '880 Patent, Solas is entitled to monetary damages in an amount adequate to compensate for Dell's infringement, but in no event less than a reasonable royalty for the use made of the invention by Dell, together with interest and costs as fixed by the Court.

26. Dell's infringing activities have injured and will continue to injure Solas, unless

and until this Court enters an injunction prohibiting further infringement of the '880 Patent, and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that come within the scope of the patent claims.

PRAYER FOR RELIEF

WHEREFORE, Solas respectfully requests that this Court enter:

- a. A judgment in favor of Solas that Dell has infringed, either literally and/or under the doctrine of equivalents, the '068 Patent and the '880 Patent;
- b. A permanent injunction prohibiting Dell from further acts of infringement of the '068 Patent and the '880 Patent;
- c. A judgment and order requiring Dell to pay Solas its damages, costs, expenses, and pre-judgment and post-judgment interest for Dell's infringement of the '068 Patent and the '880 Patent; and
- d. A judgment and order requiring Dell to provide an accounting and to pay supplemental damages to Solas, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Solas its reasonable attorneys' fees against Dell; and
- f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Solas, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: September 15, 2020

Respectfully submitted,

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